

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 81 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 motor vehicles.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-3.5-4-1 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this
- 8 chapter:
- 9 "Branch office" means:
- 10 (1) a branch office of the bureau of motor vehicles **operated**
- 11 **under IC 9-16;**
- 12 **(2) a qualified person (as defined in IC 9-16-1-1) that operates**
- 13 **a full service license branch or is a partial services provider**
- 14 **under IC 9-16; or**
- 15 **(3) an electronic registration and titling program service**
- 16 **provider under IC 9-16-1-8.**
- 17 "County council" includes the city-county council of a county that
- 18 contains a consolidated city of the first class.
- 19 "Motor vehicle" means a vehicle which is subject to the annual
- 20 license excise tax imposed under IC 6-6-5.
- 21 "Net annual license excise tax" means the tax due under IC 6-6-5
- 22 after the application of the adjustments and credits provided by that
- 23 chapter.
- 24 "Surtax" means the annual license excise surtax imposed by a

1 county council under this chapter.

2 SECTION 2. IC 6-3.5-5-1, AS AMENDED BY P.L.211-2007,  
3 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2008]: Sec. 1. As used in this chapter:

5 "Branch office" means:

6 (1) a branch office of the bureau of motor vehicles **operated**  
7 **under IC 9-16;**

8 (2) **a qualified person (as defined in IC 9-16-1-1) that operates**  
9 **a full service license branch or is a partial services provider**  
10 **under IC 9-16; or**

11 (3) **an electronic registration and titling program service**  
12 **provider under IC 9-16-1-8.**

13 "Bus" has the meaning set forth in IC 9-13-2-17(a).

14 "Commercial motor vehicle" has the meaning set forth in  
15 IC 6-6-5.5-1(c).

16 "County council" includes the city-county council of a county that  
17 contains a consolidated city of the first class.

18 "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

19 "Political subdivision" has the meaning set forth in IC 34-6-2-110.

20 "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

21 "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

22 "State agency" has the meaning set forth in IC 34-6-2-141.

23 "Tractor" has the meaning set forth in IC 9-13-2-180.

24 "Trailer" has the meaning set forth in IC 9-13-2-184(a).

25 "Truck" has the meaning set forth in IC 9-13-2-188(a).

26 "Wheel tax" means the tax imposed under this chapter.

27 SECTION 3. IC 6-6-5-1, AS AMENDED BY P.L.2-2007,  
28 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) As used in this chapter,  
30 "vehicle" means a vehicle subject to annual registration as a condition  
31 of its operation on the public highways pursuant to the motor vehicle  
32 registration laws of the state.

33 (b) As used in this chapter, "mobile home" means a  
34 nonself-propelled vehicle designed for occupancy as a dwelling or  
35 sleeping place.

36 (c) As used in this chapter, "bureau" means the bureau of motor  
37 vehicles.

38 (d) As used in this chapter, "license branch" means a branch office  
39 of the bureau authorized to register motor vehicles pursuant to the laws  
40 of the state.

41 (e) As used in this chapter, "owner" means the person in whose  
42 name the vehicle or trailer is registered (as defined in IC 9-13-2).

43 (f) As used in this chapter, "motor home" means a self-propelled  
44 vehicle having been designed and built as an integral part thereof  
45 having living and sleeping quarters, including that which is commonly  
46 referred to as a recreational vehicle.

(g) As used in this chapter, "last preceding annual excise tax liability" means either:

- (1) the amount of excise tax liability to which the vehicle was subject on the owner's last preceding regular annual registration date; or
- (2) the amount of excise tax liability to which a vehicle that was registered after the owner's last preceding annual registration date would have been subject if it had been registered on that date.

(h) As used in this chapter, "trailer" means a device having a gross vehicle weight equal to or less than three thousand (3,000) pounds that is pulled behind a vehicle and that is subject to annual registration as a condition of its operation on the public highways pursuant to the motor vehicle registration laws of the state. The term includes any utility, boat, or other two (2) wheeled trailer.

(i) This chapter does not apply to the following:

- (1) Vehicles owned, or leased and operated, by the United States, the state, or political subdivisions of the state.
- (2) Mobile homes and motor homes.
- (3) Vehicles assessed under IC 6-1.1-8.
- (4) Vehicles subject to registration as trucks under the motor vehicle registration laws of the state, except trucks having a declared gross weight not exceeding eleven thousand (11,000) pounds, trailers, semitrailers, tractors, and buses.
- (5) Vehicles owned, or leased and operated, by a postsecondary educational institution described in IC 6-3-3-5(d).
- (6) Vehicles owned, or leased and operated, by a volunteer fire department (as defined in IC 36-8-12-2).
- (7) Vehicles owned, or leased and operated, by a volunteer emergency ambulance service that:
  - (A) meets the requirements of IC 16-31; and
  - (B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).
- (8) Vehicles that are exempt from the payment of registration fees under IC 9-18-3-1.
- (9) Farm wagons.

(j) As used in this chapter, "service provider" means:

- (1) a license branch;
- (2) a qualified person (as defined in IC 9-16-1-1) that operates a full service license branch or is a partial services provider under IC 9-16; or
- (3) an electronic registration and titling program service provider under IC 9-16-1-8.

SECTION 4. IC 6-6-5-9, AS AMENDED BY P.L.184-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The bureau, in the administration and

collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of ~~license branches operated under IC 9-16,~~ **service providers** in its administration of the motor vehicle registration laws of the state of Indiana. The ~~license branches service providers under this subsection~~ may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize ~~such license branches the service providers~~ in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each ~~license branch,~~ **service provider**, less any refunds made by the ~~license branch,~~ **service provider**, shall be deposited daily by the ~~license branch in a separate account~~ **service provider** in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau ~~of motor vehicles~~ shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A ~~license branch~~ **service provider** shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each ~~license branch~~ **service provider** shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by ~~license branches~~ **service providers** against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all ~~branches~~ **service providers** at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the ~~license branches,~~ **service providers**; or

(B) rather than purchase a bond or crime policy for each ~~branch,~~ **service provider**, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all ~~branches.~~ **service providers.**

(5) If the services of a ~~license branch~~ **service provider** are used

by the bureau in the collection of the excise tax imposed by this chapter, the ~~license branch~~ **service provider** shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that ~~branch~~ **service provider**.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau ~~of motor vehicles~~ on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau ~~of motor vehicles~~ on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards.

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 5. IC 6-6-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. An owner of a vehicle who

1 knowingly registers the vehicle without paying the excise tax required  
 2 by this chapter commits a Class B misdemeanor. An employee of the  
 3 bureau or a branch manager or ~~an employee of a license branch office~~  
 4 **service provider** who recklessly issues a registration on any vehicle  
 5 without collecting excise tax required to be collected with the  
 6 registration commits a Class B misdemeanor.

7 SECTION 6. IC 6-6-5.5-17 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) The department  
 9 shall promptly deposit all amounts collected under section 3(b) of this  
 10 chapter into the commercial vehicle excise tax fund for distribution to  
 11 the taxing units (as defined in IC 6-1.1-1-21) of Indiana. The amount  
 12 to be distributed to the taxing units of Indiana each year is determined  
 13 under section 19 of this chapter.

14 (b) The bureau of motor vehicles shall promptly deposit all amounts  
 15 collected under this chapter into the commercial vehicle excise tax  
 16 fund for distribution to the taxing units (as defined in IC 6-1.1-1-21) of  
 17 Indiana. The amount to be distributed to the taxing units of Indiana  
 18 each year is determined under section 19 of this chapter.

19 (c) A contractor providing:

20 (1) a full service license branch under IC 9-16-1-4; ~~or~~

21 (2) a partial service license branch under IC 9-16-1-4.5; **or**

22 **(3) electronic registration and titling services under**  
 23 **IC 9-16-1-8(b);**

24 shall remit the amount of commercial vehicle excise tax collected each  
 25 week to the bureau of motor vehicles for deposit into the commercial  
 26 vehicle excise tax fund."

27 Page 1, between lines 4 and 5, begin a new paragraph and insert:

28 "SECTION 8. IC 9-13-2-62.3 IS ADDED TO THE INDIANA  
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2008]: **Sec. 62.3. "Financial institution", for**  
 31 **purposes of IC 9-16-1, has the meaning set forth in IC 9-16-1-0.5."**

32 Page 1, between lines 8 and 9, begin a new paragraph and insert:

33 "SECTION 10. IC 9-13-2-154.7 IS ADDED TO THE INDIANA  
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2008]: **Sec. 154.7. "Retail merchant", for**  
 36 **purposes of IC 9-16-1, has the meaning set forth in IC 9-16-1-1.3.**

37 SECTION 11. IC 9-13-2-196.3 IS ADDED TO THE INDIANA  
 38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2008]: **Sec. 196.3. "Vendor", for purposes of**  
 40 **IC 9-16-1, has the meaning set forth in IC 9-16-1-1.7.**

41 SECTION 12. IC 9-16-1-0.5 IS ADDED TO THE INDIANA CODE  
 42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 43 1, 2008]: **Sec. 0.5. As used in this chapter, "financial institution"**  
 44 **has the meaning set forth in IC 28-1-1-3(1).**

45 SECTION 13. IC 9-16-1-1.3 IS ADDED TO THE INDIANA CODE  
 46 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2008]: **Sec. 1.3. As used in this chapter, "retail merchant" has the meaning set forth in IC 6-2.5-1-8.**

SECTION 14. IC 9-16-1-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.7. As used in this chapter, "vendor" means a:**

- (1) dealer;**
- (2) financial institution;**
- (3) person or entity to which IC 27-1-2-2 is applicable; or**
- (4) retail merchant.**

SECTION 15. IC 9-16-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8. (a) The commissioner may establish a program for the electronic registration and titling of vehicles. An electronic registration and titling program may include the following:**

- (1) The transmission of application for titles and registration of vehicles.**
- (2) The renewal of vehicle registrations.**
- (3) The creation of and removal of liens contained in the records of vehicle titles.**
- (4) Applications for a certificate of salvage title.**
- (5) The issuance of registration license plates and renewal tags or other indicia as set forth in IC 9-18-2-7 and IC 9-18-2-8(b) by vendors.**

**However, the program must provide that a retail merchant is authorized to issue renewal tags or other indicia only as set forth in IC 9-18-2-8(b).**

**(b) After the establishment of an electronic registration and titling program, the commissioner may enter into an agreement with a provider of services regarding electronic registration and titling of vehicles to serve as an intermediary between the bureau and a vendor.**

**(c) The electronic registration and titling program service provider that enters into an agreement under subsection (b) is responsible for the following:**

- (1) The establishment of a computerized communication link between a vendor and the bureau for the transmission of information concerning titling and registration of vehicles, renewal of vehicle registration, and liens, in compliance with the specifications of the agreement with the bureau.**
- (2) The transmission of fees and service charges associated with the titling and registration of vehicles to the bureau.**
- (3) The transmission of the license excise tax under IC 6-6-5-2 due upon the registration of a vehicle to the bureau.**
- (4) The:**
  - (A) maintenance of an inventory of license plates and renewal tags or other indicia of registration; and**
  - (B) distribution of the plates and indicia of registration.**

**(5) Compliance with requirements of the bureau and the department of state revenue concerning the:**

**(A) security of the electronic information and transmission of fees;**

**(B) security of the inventory of license plates and renewal tags or other indicia of registration; and**

**(C) maintenance of an electronic inventory control system for the inventory of license plates and renewal tags or other indicia of registration.**

**(6) Providing real-time access to the inventory control system by the bureau, the state board of accounts, and the state police department for review, auditing, and inventory verification to ensure compliance with the rules, policies, and regulations of the bureau.**

**(7) The retention of records of all electronic registration and titling transactions.**

**(8) The posting of a performance bond not to exceed one million dollars (\$1,000,000), with the amount to be set by the commissioner.**

**(d) The electronic registration and titling program service provider may enter into an agreement with a vendor for participation in the electronic registration and titling service program. If the vendor is required to have a professional license from the state to operate, the vendor must be currently licensed before beginning participation in the program and must maintain a license in good standing. The commissioner has the sole discretionary right to review and approve an agreement between the electronic registration and titling program service provider and a vendor and has the right to revoke the right of a vendor to participate in the electronic registration and titling program.**

**(e) A vendor may be a participant in the electronic registration and titling program and:**

**(1) operate a full service license branch under section 4 of this chapter; or**

**(2) provide partial services under section 4.5 of this chapter; if the vendor is also a qualified person."**

Page 5, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 20. IC 9-29-3-4, AS AMENDED BY P.L.63-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The service charge for each of the first twelve thousand (12,000) original and renewed vehicle registrations at a license branch each year is one dollar and seventy-five cents (\$1.75).

(b) The service charge for each of the next thirty-eight thousand (38,000) original and renewed vehicle registrations at that license branch each year is one dollar and fifty cents (\$1.50).

(c) The service charge for each additional original or renewed vehicle registration at that license branch each year is one dollar and



1 twenty-five cents (\$1.25).

2 (d) Fifty cents (\$0.50) of each service charge collected under this  
3 section shall be deposited in the state motor vehicle technology fund  
4 established by IC 9-29-16-1.

5 (e) A service charge that is:

6 (1) originally imposed under this section; and

7 (2) increased by a rule adopted by the department;

8 applies to any original or renewed vehicle registration issued at a  
9 license branch.

10 (f) A service charge under subsections (a) through (d) may not  
11 be collected for a bureau transaction performed by means of the  
12 electronic registration and titling program under IC 9-16-1-8.  
13 However, the commission may establish a service charge by  
14 resolution for a bureau transaction performed by means of the  
15 electronic registration and titling program that may not exceed one  
16 dollar and twenty-five cents (\$1.25).

17 (g) If a service charge is established under subsection (f),  
18 subsection (d) applies to a service charge collected under  
19 subsection (f)."

20 Page 9, after line 15, begin a new paragraph and insert:

21 "SECTION 28. [EFFECTIVE JULY 1, 2008] (a) The legislative  
22 services agency shall prepare legislation for introduction in the  
23 2009 regular session of the general assembly to organize and  
24 correct statutes affected by the addition of the provisions  
25 concerning the transmission of application for titles and  
26 registration of vehicles, the renewal of vehicle registrations, the  
27 creation of and removal of liens contained in the records of vehicle  
28 titles, the transmission of application for a certificate of salvage  
29 title, and the issuance of registration license plates and renewal  
30 tags or other indicia as set forth in IC 9-18-2-7 and IC 9-18-2-8(b)  
31 by an electronic registration and titling program in addition to  
32 those services provided, including review of the following statutes  
33 to determine whether changes are necessary:

34 (1) IC 9-13.

35 (2) IC 9-14.

36 (3) IC 9-15.

37 (4) IC 9-16.

38 (5) IC 9-17.

39 (6) IC 9-18.

40 (7) IC 9-19.

41 (8) IC 9-20.

42 (9) IC 9-21.

43 (10) IC 9-22.

44 (11) IC 9-23.

45 (12) IC 9-24.

46 (13) IC 9-25.

47 (14) IC 9-26.

- 1           **(15) IC 9-27.**
- 2           **(16) IC 9-28.**
- 3           **(17) IC 9-29.**
- 4           **(18) IC 9-30.**
- 5           **(19) IC 9-31.**
- 6           **(20) Any other statute requiring an amendment to conform to**
- 7           **this act.**
- 8           **(b) This SECTION expires June 30, 2009."**
- 9           Renumber all SECTIONS consecutively.  
(Reference is to ESB 81 as printed February 22, 2008.)

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Representative Saunders